

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 13
	:	
Christine Phelan,	:	Case No. 5:22-00754-MJC
	:	
Debtor.	:	
:.....		
Percudani Family III, LP,	:	
New Horizons at Mountains Edge, Inc.,	:	
Percudani Family, LP,	:	
	:	Adversary Proceeding
Plaintiffs,	:	No. 5:22-00030-MJC
v.	:	
	:	
Christine Phelan,	:	
	:	
Defendant.	:	
:.....		

SCHEDULING ORDER

AND NOW, upon consideration of the pleadings filed in the above-captioned adversary proceeding, **IT IS HEREBY ORDERED THAT:**

1. Disclosure of information required under Fed. Rule of Civ. P. 26(a)(1), (a)(2), and (a)(3)(A) shall be completed **on or before November 28, 2022**.

2. All discovery shall commence immediately and be completed **on or before January 25, 2023**.

3. **On or before January 25, 2023**, the parties must submit a joint statement as to whether they consent to participation in the court-annexed mediation program. In the consent to mediation, parties may request a particular mediator previously certified by the Court who has consented to conduct the mediation for the parties. A list of certified mediators is included on the Court's website.

4. All requests to join other parties or to amend the pleadings must be filed **on or before January 25, 2023**.

5. Dispositive motions must be filed **on or before February 24, 2023** and in accordance with Local Bankruptcy Rules 7002-1 and 7056-1.

6. A request for a settlement conference to be conducted by a bankruptcy judge not assigned to this matter must be filed **on or before February 24, 2023**.

7. **On or before March 30, 2023**, counsel must submit a short joint pretrial memorandum addressing the following:

- A. A statement of the bankruptcy court's jurisdiction and authority to hear claims, including whether the parties consent to entry of final orders or judgment and whether the matter is a core proceeding.
- B. A statement of uncontested facts.
- C. A statement of facts that are in dispute.
- D. A statement of damages claimed, or relief sought. Each claim for damages should be described separately as well as the amount claimed. When relief other than damages is sought, the exact form of relief sought shall be described.
- E. Legal issues presented, and the constitutional, statutory, and decisional authorities relied on. The burden of proof on each legal issue must be addressed.
- F. Names and addresses of witnesses with expert witnesses identified as experts and with a summary of qualifications. A brief summary of the evidence to be presented by each witness must be included.

G. A list of all exhibits to be offered into evidence, prepared and numbered as required by L.B.R. 9070-1.

H. A list of all discovery items and depositions to be offered into evidence. Excerpts from deposition testimony shall be designated by page.

I. Estimated trial time.

8. Any motions *in limine* must be filed and served **on or before April 5, 2023**. The Court may reserve ruling on the motion until the date of trial.


9. Any trial briefs, if any, must be filed and served **on or before April 5, 2023**.

10. A final pretrial conference shall be held **on Thursday, April 6, 2023 at 10:00 a.m.** in the United States Bankruptcy Court for the Middle District of Pennsylvania, Max Rosenn U.S. Courthouse, Courtroom 2, 197 S. Main Street, Wilkes-Barre, PA 18701.

11. Trial is scheduled for **Tuesday, May 2, 2023 at 10:00 a.m.** in the United States Bankruptcy Court for the Middle District of Pennsylvania, Max Rosenn U.S. Courthouse, Courtroom 2, 197 S. Main Street, Wilkes-Barre, PA 18701.

12. The deadlines set forth in this Order may be modified only upon stipulation by the parties and approval by the Court or upon Motion filed by a party and approval by the Court.

By the Court,

A handwritten signature in black ink, appearing to read 'M. Conway', is written over a horizontal line.

Mark J. Conway, Bankruptcy Judge
Dated: October 27, 2022